

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

14-CR-6147EAW

MUFID A. ELFGEEH,

**AFFIDAVIT**

Defendant.

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STATE OF NEW YORK     )  
COUNTY OF MONROE    ) SS:  
CITY OF ROCHESTER     )

I, **ALBERT W. ZENNER**, being duly sworn, depose and state:

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) of the United States Department of Justice. I have been an FBI Special Agent for over 17 years, and am currently assigned to the Joint Terrorism Task Force (JTTF) in Rochester, New York. In that capacity, I am assigned to the above-captioned matter.

2. I submit this affidavit to set forth to the Court the facts and circumstances supporting the government's position that the voluntary discovery process will exceed 90 days in this case. I make this affidavit based on my personal knowledge of this investigation, conversations with other agents and personnel assigned to this investigation, and my review of records obtained pursuant to federal search warrants.

3. On or about May 31, 2014, the defendant, MUFID A. ELFGEEH, was arrested by agents and investigators from the JTTF. He was subsequently charged with two counts of receiving and possessing unregistered firearm silencers in violation of 26 U.S.C. §§ 5841, 5861(d), and 5871. On the same day as ELFGEEH's arrest, this Court issued a search warrant for 23 Facebook User IDs associated with ELFGEEH, under Magistrate's Number 14-MJ-591.

4. On or about July 15, 2014, the government sought and obtained a search warrant from this Court for an Apple iPhone seized from ELFGEEH at the time of his arrest, under Magistrate's Number 14-MJ-604.

5. On or about July 21, 2014, the investigative team obtained access to the evidence recovered on the iPhone pursuant to the search warrant issued under Magistrate's Number 14-MJ-604. The search warrant evidence included, among other things, approximately 214 videos (the vast majority of which are in Arabic), at least 725 photographs (all containing Arabic text), more than 7,500 pages of WhatsApp communications (all in Arabic), 64 pages of SMS and iMessages (all in Arabic), and a 19-page contact list (all in Arabic). To date, FBI translators have completed summary English translations of all of the videos, and verbatim English translations of 45 pages of the WhatsApp messages, all of the SMS and iMessages, and the entire contact list.

6. On or about July 24, 2014, the investigative team received the complete return from Facebook on the search warrant issued under Magistrate's Number 14-MJ-591. The return included more than 34,700 pages of documents (almost exclusively in Arabic) relating to 13 Facebook User IDs associated with ELFGEEH. To date, FBI translators have translated approximately 1,530 pages of the Facebook materials into English.

7. During this investigation, a confidential source (referred to in prior court documents as CS-1) made approximately 33 consensual recordings of conversations with ELFGEEH. All of the conversations between ELFGEEH and CS-1 occurred in Arabic. FBI translators have completed draft English translations of those conversations (27 of which consist of a combination of summary and verbatim translations, and 6 of which consist of summary translations only), but the investigative team has tasked the translators with finishing complete verbatim translations of all 33 conversations between ELFGEEH and CS-1. As of the time of this filing, there are approximately 30 hours of

conversation that still require verbatim translation. According to the FBI's Language Services Section, every minute of Arabic conversation requires approximately 30 minutes of work by a translator to create a verbatim translation. Using this formula, it is estimated that it will take the translators more than 920 hours to complete verbatim translations of the consensually-recorded conversations between ELFGEEH and CS-1.

8. I am informed by Assistant United States Attorney (AUSA) Brett A. Harvey that the government will be disclosing all of the search warrant materials received from Facebook, the contents of the iPhone, and all of the consensual recordings involving ELFGEEH and CS-1, as part of voluntary discovery. I am further informed by AUSA Harvey that, in an effort to assist the defense in reviewing these materials and assessing the government's case, the government will also be disclosing, as part of voluntary discovery, all of the draft summary and verbatim English translations that have been completed to date, and will provide additional translations to the defense on a rolling basis as they become available.

9. Numerous FBI translators have been assigned to this case at various times over the last 21 months. Currently, a total of four Arabic translators are assigned to this case. At this time, the translators are working diligently on completing verbatim English translations of the above-described Facebook materials, photographs, and WhatsApp messages. After completion of those tasks, the translators will work on, among other tasks, completing verbatim English translations of the 33 consensual recordings involving ELFGEEH and CS-1. Due to the substantial volume of search warrant materials and consensual recordings left to be translated, this process will be an enormous undertaking that will require well beyond 90 days to accomplish.

s/Albert W. Zenner  
ALBERT W. ZENNER  
Special Agent  
Federal Bureau of Investigation  
Joint Terrorism Task Force

Subscribed to and sworn before  
me this 25<sup>th</sup> day of September, 2014.

s/Lou Ann E. Elsaesser  
Notary Public